IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.R. No. 142 of 2006
Date of decision February 23, 2007

M/s Osram India Ltd

.....Petitioner

Versus

The Presiding Officer and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Sh. Akshay Bhan, Advocate
for the petitioner.

Sh. R.K. Malik, Advocate
for the workman- respondent.

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Viney Mittal, J (Oral)

This order shall dispose of a batch of 12 petitions being Civil Revisions No. 142, 1132,1133, 1134, 1165, 1166,1167, 1168, 1169,1170, 1171 and 1172 of 2006 since all the petitions have arisen out of identical orders passed by the Labour Court-cum-Industrial Tribunal, Panipat, whereby on an application filed by the workman, his claim petition has been allowed to be amended and additional pleas have been permitted to be taken. For the sake of convenience, the facts are take from C. R. 142 of 2006.

The relevant facts, which are necessary for adjudication of the present controversy, may be noticed as follows:

The workman had raised an industrial dispute challenging his dismissal from service. The appropriate government referred the dispute for adjudication to the Industrial Tribunal-cum-Labour Court, Panipat. A claim petition was filed by the workman before the Labour Court. Even when the evidence of the workman was yet to

commence, the workman filed an application seeking amendment of his claim petition. Through the amended claim petition workman sought to take up a plea that since a previous industrial dispute between M/s E.C.E Industries Limited (Lamp Division), Sonepat (who was claimed to be the predecessor- in-interest of the present management) raising several demands of the workman, was pending adjudication before the Labour Court, therefore in terms of Section 33 (1) (2) of Industrial Disputes Act, 1947, prior permission of the Labour Court was required for passing an order of dismissal of the workman. The workman claimed that the aforesaid permission had never been sought by the management.

The aforesaid application for amendment filed by the workman was contested by the management. It was claimed that M/s E.C.E Industries Ltd. had filed an application for impleading M/s Osram India Ltd. (the present petitioner-management) as a party in the aforesaid industrial dispute, which was pending between the then management and the workmen. Vide an order dated January 19, 2001, the aforesaid application was rejected and the present management was not impleaded as a party. On that basis the management maintained that provisions of Section 33 (1) (2) of the Act were not attracted to the facts and circumstances of the case.

The learned Labour Court vide the impugned order has allowed the application filed by the workman. The additional plea has been permitted to be taken.

After hearing learned counsel for the parties and having gone through the record of the case, I find that the order passed by the

Labour Court is absolutely justified and under the facts and circumstances of the case, it does not call for any interference by this Court. It is not in dispute that the industrial dispute between the parties is yet at the initial stage and even the evidence of the workman is yet to commence. In these circumstances, the amended claim petition filed by the workman and taking up of the additional pleas does not cause any prejudice to the management. The management in any case, is entitled to file an amended written statement to the amended claim petition filed by the workman and take all the pleas, which are available to it, in accordance with law, including the plea that no permission under Section 33 (1) and (2) was required.

Even otherwise, the Labour Court had rightly observed that the plea sought to be raised by the workman was merely a legal plea.

Consequently, I do not find any merit in the present petitions. The same are accordingly, dismissed.

A copy of the order be given dasti on payment of usual charges.

(VINEY MITTAL)
JUDGE

February 23, 2007
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